

ciples of our Constitution, which unite their sister-states into one family. (To Thomas Seymour, 1807. C. V., 43.)

FREE GOODS.—"Free ships should make free goods;" this principle has by every maritime nation of Europe been established, to a greater or less degree, in its treaties with other nations; insomuch, that all of them have, more or less frequently, assented to it, as a rule of action in particular cases. Indeed, it is now urged, and I think with great appearance of reason, that this is genuine principle dictated by national morality; and that the first practice arose from accident, and the particular convenience of the States which first figured on the water, rather than from well-digested reflections on the relations of friend and enemy, on the rights of territorial jurisdiction, and on the dictates of moral law applied to these. Thus it had never been supposed lawful, in the territory of a friend to seize the goods of an enemy. On an element which nature has not subjected to the jurisdiction of any particular nation, but has made common to all for the purposes to which it is fitted, it would seem that the particular portion of it which happens to be occupied by the vessel of any nation, in the course of its voyage, is for the moment, the exclusive property of that, and the nation, with the vessel, is exempt from intrusion by any other, and from its jurisdiction, as much as if it were lying in the harbor of its sovereign. In no country, we believe, is the rule otherwise, as to the subjects of property common to all. Thus the place occupied by an individual in a highway, a church, a theater, or other public assembly, cannot be intruded on, while its occupants hold it for the purpose of its institution. The persons on board a vessel traversing the ocean, carry with them the laws of their nation, have among themselves a jurisdiction, a police, not established by their individual will, but by the authority of their nation, of whose territory their vessel still seems to compose a part, so long as it does not enter the exclusive territory of another.

No nation ever pretended a right to govern by their laws the ship of another nation navigating the ocean. By what law then can it enter that ship while in peaceable and orderly use of